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David Ross
Assistant Administer for Water
Environmental Protection Agency
1200 Pennsylvania Avenue, NW, MC 4101M
Washington, DC 20460

RE: Comment on the Proposed Rule on “Draft National Water Reuse Action Plan,” 84 Fed. Reg. 48612 (Sept. 16, 2019), Docket No. EPA-HQ-OW-2019-0174; FRL-9999-82-OW

The Western Urban Water Coalition (WUWC or Coalition) appreciates this opportunity to comment on the U.S. Environmental Protection Agency (EPA) proposed rule on “Draft National Water Reuse Action Plan” 84 Fed. Reg. 48612 (Sept. 16, 2019).

Established in 1992 to address the West’s unique water supply and water quality challenges, WUWC consists of the largest urban water utilities in the West, serving more than 40 million western water consumers in major metropolitan areas in seven western states. WUWC includes the following urban water utilities:

- *Arizona* – Central Arizona Project, City of Phoenix and Salt River Project;
- *California* – Eastern Municipal Water District, Los Angeles Department of Water and Power, The Metropolitan Water District of Southern California, San Diego County Water Authority, Santa Clara Valley Water District and City and County of San Francisco Public Utilities Commission;
- *Colorado* – Aurora Water, Colorado Springs Utilities, and Denver Water;
- *Nevada* – Las Vegas Valley Water District, Southern Nevada Water Authority, and Truckee Meadows Water Authority;
- *New Mexico* – Albuquerque Bernalillo County Water Utility Authority;
- *Utah* – Salt Lake City Public Utilities, and
- *Washington* – Seattle Public Utilities.

WUWC is committed to presenting a new and different perspective on the management and use of water resources in the modern West. WUWC articulates the needs and values of Western cities to provide a reliable, high quality urban water supply for present and future generations. As operators of public water supply systems, WUWC members serve the health, environmental, and

economic needs of their communities around the clock and every day of the year. WUWC advocates for effective and practicable approaches to the development of new water supplies to increase reliability and resiliency in a time when critical water supplies are becoming more scarce.

A. General Comments

WUWC has historically been, and will continue to be, an ardent supporter of the goals of the Clean Water Act (CWA) and federal policy that strives to ensure the effective use of the nation's water resources. WUWC supports the EPA's development of the Water Reuse Action Plan that strives to foster water reuse as an important component of integrated water resources management, and we commend its effort to support water reuse as a means of ensuring water availability and mitigating the risks of future drought and other water supply challenges across the country.

WUWC members have both a strong interest in water reuse and recycling and extensive experience in water reuse systems. Several of its members have developed or are developing potable reuse projects. WUWC supports the July 1, 2019 joint letter on the Water Reuse Action Plan submitted by the national WaterReuse Association, Association of Metropolitan Water Agencies, American Water Works Association, National Association of Clean Water Agencies, Water Environment Federation, and Water Research Foundation, as well as the letters submitted individually by these organizations and WUWC-member water providers. These letters, representing the collective experience of in-the-field practitioners and experts in water resource management, present sound advice and recommendations on how to best support water reuse in the United States. WUWC members, experienced with the unique challenges facing the western states, also offer the following additional comments.

B. Specific Comments

1. Encourage Local Flexibility

Many states that have advanced water reuse programs are in the western region of the country and subject to western water law. Reuse approaches will vary regionally due to different factors such as weather patterns, drought, storage potential, water quality, and brine management. Some communities may be developing larger centralized potable reuse projects, while other areas may be accelerating nonpotable onsite reuse projects, or stormwater capture and reuse. No one water reuse strategy will work for every community across the nation. For example, the Water Reuse Action Plan, at Action 2.10.2, will establish goals for extent and types of water reuse. EPA should not create reuse targets for specific reuse application types, but rather it should allow and promote the flexibility to meet overall water supply targets. Finally, EPA should undertake efforts to better understand and accommodate the manner in which principles of western water law may impact the implementation of reuse projects. In this regard, it should promote flexible reuse strategies and opportunities.

2. Protect Source Water Quality

Protection of source water quality must be prioritized in the adoption of federal land use and water pollution control policies, including in chemical registration processes. Poor source water

quality can limit water reuse, impact groundwater supplies, and require more costly and challenging treatment.

3. Expand approach to solving water quality challenges

Water reuse presents challenging water management and associated water quality issues. These issues can arise in a myriad of points throughout the water cycle as a consequence of a host of inputs, including those from nonpoint runoff, to point source discharges, to the presence of naturally elevated levels of contaminants and treatment residuals. These types of issues, which can be highly challenging and costly to address in water reuse applications, are best addressed through more holistic or watershed-based approaches. The identification of solutions must extend beyond the water reuse community.

4. Incorporate State Water Reuse Action Plans

The ability of states to develop individual approaches for water reuse has been helpful. It allows the consideration of local issues and provides flexibility to enable reuse while protecting the public health and environment. State plans identify key actions aimed at integrated planning, research, regulations and funding. We encourage EPA to promote this flexibility, and to consider incorporating such state-identified actions in its Water Reuse Action Plan.

5. Streamline Regulations and Permitting

The Water Reuse Action Plan should support streamlining of regulatory requirements to accelerate water reuse in a manner that protects public health and the environment based on sound science and common sense. We encourage EPA to work with state and local agencies in order to optimize oversight through the coordination of effective and timely approvals and requirements, and to address overlapping regulatory roles and responsibilities. In the absence of fully-developed regulations, we encourage EPA to establish an early consultation process for regulatory oversight.

As one example, technology validation processes can be complicated and variable between individual states. WUWC encourages EPA to assist in streamlining and standardizing technology validation processes to enable faster adoption of new technologies.

6. Promote and Incorporate Equity into Water Reuse Actions

Equity, access, affordability, and environmental justice should be incorporated as guiding principles in the Action Plan. Advancing equity in water reuse must always be considered and integrated into water reuse policies and actions to ensure that the impacts, costs, and benefits of water reuse on communities ensure water equity, especially with respect to affordability, access, and public health and safety.

7. Consider Regional Financial and Environmental Impacts

The Action Plan should promote consideration of aligning regional water systems and reuse actions so they are synergistic and minimize regional financial and environmental impacts such as stranded infrastructure costs. While the plan speaks to the question of financial capacity, it should also encourage consideration of local and regional financial impacts of new water reuse systems.

8. Assist in Adoption of Technical Criteria

One hurdle to the widespread adoption of reuse programs has been the absence of scientifically reliable studies and associated data on the permissible levels of contaminants found in reuse supplies depending upon the exact nature of the reuse, e.g., outdoor irrigation versus potable water supply, and the required level of treatment. This includes criteria for endocrine disruptors, pharmaceuticals, PFAS, and emerging contaminants of concern. EPA should provide the necessary funding, technical expertise and training required to responsibly regulate, treat and use this resource.

9. Support for Necessary Infrastructure

The source of reuse supplies, e.g., oil and gas fracking supplies, are oftentimes found a great distance from the place of water demand. EPA should support infrastructure proposals that would match the supply with the demand, e.g., the construction of pipelines and treatment facilities necessary to place the water to beneficial use. It should also promote the consolidation/integration of smaller facilities so as to reduce costs, share expertise and maximize supplies.

10. Improve Messaging and Terminology

The EPA should ensure that the Water Reuse Action Plan uses consistent messaging and terminology that accurately reflects existing recycling and reuse efforts and helps to improve public understanding and support for water reuse. The EPA should consider the ongoing efforts in states such as California to update potable reuse terminology so as to improve public perception of water reuse, and use terminology and messaging consistent with these efforts. We also encourage EPA to consider how to effectively communicate information related to the Action Plan so as to build support for water reuse across the country.

The Plan should differentiate between the regulatory and policy challenges faced by onsite reuse systems and those faced by conventional centralized recycling systems. Additionally, the Draft Water Action Plan contains references to barriers and challenges associated with reuse. While these barriers and challenges have been demonstrated to exist in some cases, they do not always present a concern. We encourage the EPA to frame these issues as considerations that will need to be evaluated on a case by case basis, rather than framing them as barriers or concerns.

11. Evaluate the Potential for Cross-Boundary Reuse

Water reuse efforts present the opportunity for regional, state, international and tribal collaboration. The EPA should consider and encourage, through financial support or other incentives, these opportunities for collaboration.

C. Conclusion

Based on this extensive background and our members' experiences being on-the-ground partners with the EPA and the states, WUWC is prepared to assist the EPA in its efforts to develop the Water Reuse Action Plan and both improve and encourage the use of recycled water across the nation. Further, WUWC looks forward to continued dialogue and collaboration on how this new Action Plan will impact water providers in the West.

Thank you for the opportunity to provide these comments. If you have any questions regarding these comments, please contact me at 702-258-7166 or greg.walch@lvvwd.com, or the WUWC national counsel, Don Baur at 202-654-6234 or dbaur@perkinscoie.com.

Very truly yours,

A handwritten signature in black ink, reading "Gregory J. Walch". The signature is written in a cursive, flowing style.

Gregory J. Walch
Chairman

cc: Donald C. Baur
Perkins Coie LLP
700 Thirteenth St., NW, Suite 600
Washington, D.C. 20005